

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35533

STATE OF IDAHO,)	2009 Unpublished Opinion No. 446
)	
Plaintiff-Respondent,)	Filed: May 5, 2009
)	
v.)	Stephen W. Kenyon, Clerk
)	
CLEMENTE MORIN MATA, JR.,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Gregory M. Culet, District Judge.

Judgment of conviction and unified sentence of five years, with a minimum period of confinement of two years, for escape, affirmed.

Molly J. Huskey, State Appellate Public Defender; Sara B. Thomas, Chief, Appellate Unit, Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before PERRY, Judge; GUTIERREZ, Judge;
and GRATTON, Judge

PER CURIAM

Clemente Morin Mata, Jr. pled guilty to escape. Idaho Code § 18-2505. The district court sentenced Mata to a unified term of five years, with a minimum period of confinement of two years, but suspended the sentence and placed Mata on probation with the special condition that he serve 365 days in jail. Mata appeals, claiming the district court abused its discretion by imposing an excessive sentence.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App.

1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.¹

Therefore, Mata's judgment of conviction and sentence are affirmed.

¹ Additionally, the district court's comment at sentencing regarding Mata's failure to return, after walking away from work release, once he had an opportunity to make arrangements for his family is not erroneous. While Mata claims he was unsuccessful in making alternative arrangements for his family's care, the district court's comment was directed to his opportunity, not his success, in making such arrangements.